IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

Bail Appl..No. 4575 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.1899/2007
CRIME NO.182/07 OF KASARAGOD POLICE STATION

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PETITIONERS : ACCUSED NO.3 & 10:

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1. SHIHABUDHEEN, S/O.M.ABOOBACKER,
   BAKKARY HOUSE, NAYANMARMOOLA P.O.,
   KASARAGOD DISTRICT.

2. ASHKAR, S/O.HAMEED,
   THITTUMBHAGAM HOUSE, CHOORY,
   P.O.KASARAGOD, KASARAGOD DISTRICT.

BY ADV. SRI.P.SANJAY
SRI.A.PARVATHI MENON

RESPONDENTS: COMPLAINANT:

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1. THE SUB INSPECTOR OF POLICE,
   KASARAGOD POLICE STATION, KASARAGOD.

2. STATE OF KERALA REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4575 OF 2007

Dated this the 30th day of July, 2007

ORDER

Application for anticipatory bail. The petitioners are accused 3 and 10. Altogether, there are 12 accused persons. The incident relates to a clash between the two student groups owing allegiance to different political organisations within the campus. Dangerous weapons like cycle chains and iron rods were used in the attack. Investigation is complete. Some of the accused have been granted anticipatory bail earlier by this Court. Charge sheet has already been filed. Cognizance has been taken by the learned Magistrate. The petitioners, in these circumstances, pray that anticipatory bail may be granted to them.

2. The allegations are serious. Charge sheet has already been filed. I find no reason to invoke the extraordinary equitable discretion available to this Court under

Sec.438 of the Cr.P.C. This is a fit case where the petitioners must appear before the learned Magistrate having jurisdiction and then seek regular bail in the ordinary course.

3. In the result, this bail application is dismissed; but with the observation that if the petitioners surrender before the learned Magistrate and seek bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

(R. BASANT, JUDGE)

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